

**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, FEBRUARY 16, 1999**  
**COUNTY COMMISSIONERS CHAMBERS**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Larry Hudkins, Vice Chair  
Bernie Heier  
Linda Steinman  
Bob Workman

Commissioners Absent: Kathy Campbell

Others Present: Norm Agena, County Assessor  
Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Diane Staab, Deputy County Attorney

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 9, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

**MOTION:** Steinman moved and Workman seconded approval of the minutes of February 9, 1999. On call Hudkins, Workman and Steinman voted aye. Heier abstained. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 11 additions and deductions to the tax assessment rolls per Exhibit A. (1999249)

**MOTION:** Workman moved and Heier seconded approval. On call Heier, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

Christian Retirement Homes, Inc. dba/Eastmont Towers  
The First Evangelical Covenant  
University of Nebraska Foundation

**MOTION:** Steinman moved and Heier seconded approval of the motor vehicle tax exemptions. On call Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

4) **DISAPPROVAL OF A MOTOR VEHICLE TAX EXEMPTION:**

Martin Luther Home Society, Inc.

**MOTION:** Steinman moved and Heier seconded denial of a motor vehicle tax exemption for Martin Luther Home Society, Inc. because it was not timely filed.

Steinman explained that the State Statute requires that the exemption be submitted within 30 days of the purchase date per Directive 97-2. She added that the Board of Equalization has no ability to amend or change the denial.

**ROLL CALL:** Workman, Hudkins, Steinman and Heier voted aye. Motion carried.

5) **ADJOURNMENT:**

**MOTION:** Workman moved and Steinman seconded adjournment. On call Hudkins, Steinman, Workman and Heier voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES**  
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Commissioners Present: Larry Hudkins, Vice Chair  
Bernie Heier  
Linda Steinman  
Bob Workman

Commissioners Absent: Kathy Campbell

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Diane Staab, Deputy County Attorney

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 9, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

**MOTION:** Workman moved and Heier seconded approval of the minutes of February 9, 1999. On call Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, February 16, 1999.

**MOTION:** Heier moved and Workman seconded approval. On call Heier, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **ITEMS OF PUBLIC PARTICIPATION:**

An exceptional circumstance award, in the amount of \$500, for Tim Genuchi, an employee in the County Clerk's Office. (1999240)

**MOTION:** Steinman moved and Heier seconded approval. On call Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

- 4) **PUBLIC HEARINGS:**

A. A manager application from Russell K LeMunyan in connection with a Class M (Bottle Club) liquor license for Lincoln Izaak Walton League located at 10801 South 134<sup>th</sup> Street in Lancaster County, Nebraska. (1999168) (1999193) (1999244) (1999256)

4) **PUBLIC HEARINGS CONTINUED:**

The Vice Chair opened the public hearing and asked if anyone wished to testify in favor, opposition or in a neutral position regarding the application.

No one appeared to testify and the hearing was closed.

Steinman asked if more information was available regarding the site.

The Clerk administered the oath to Russell LeMunyan.

Russell LeMunyan, applicant, appeared and stated the location of the Izaak Walton League is at 134<sup>th</sup> Street and Highway 2 and that the building is a block style clubhouse. Alcohol is served on Thursday nights after trap leagues. He stated that the clubhouse may also be rented for wedding receptions.

LeMunyan stated no alcohol is consumed outside the clubhouse and noted that there is an area where trap members' wives and their children may go which is separate from the clubhouse.

In response to a question asked by Workman, LeMunyan stated the Izaak Walton League serves the alcohol at wedding receptions.

He also stated there have been no past problems in connection with the trap shoots and the serving of alcohol.

Hudkins asked LeMunyan if he had any past experience in managing a facility which serves alcohol.

LeMunyan responded that he had no experience managing.

The Vice Chair noted that action will be taken on Tuesday, February 23rd.

- B. Issuance of Industrial Development Revenue Bonds, Series 1999 (Goodwill Industries Serving Southeast Nebraska, Inc. Project), not to exceed \$550,000, for the acquisition, purchase, construction and equipping of an industrial warehouse facility, remodeling of office space and related improvements at 2100 Judson. (1999181)

The Vice Chair opened the public hearing and asked if anyone wished to testify.

The Clerk administered the oath to Lauren Wismer.

4) **PUBLIC HEARINGS CONTINUED:**

Lauren Wismer, Cline, Williams, Wright, Johnson & Oldfather law firm, appeared and stated their office is acting as bond counsel. He proceeded to give a brief overview, noting that the headquarters and warehouse facility for Goodwill Industries Serving Southeast Nebraska is located at 2100 Judson. The bonds, he stated, were privately placed with Norwest Investment Services and will carry an interest rate of approximately 5.38 percent and will be amortized in equal interest and principal payments over a 15 year period. Wismer added that the bonds will be exempt from federal and state income taxes.

In response to a question from Steinman, Wismer commented there is no liability on the part of the County.

The Clerk administered the oath to Robert Goodman.

Robert Goodman, Executive Director of Goodwill Industries, appeared and stated there has been rapid growth over the past six years. He explained the land was purchased in 1991 with adequate ground for an addition. The expectation was to expand in ten years, however, they are in need of expanding at the present time.

Workman asked why \$75,000 was originally taxable bonds.

Wismer explained that when the term sheet was originally prepared it was done by Norwest Investment Services located in Minneapolis, Minnesota. The Minneapolis office had assumed that the facilities would need to be done on a taxable basis because of local provisions in Minnesota, however, under Nebraska law that is not the case.

The Vice Chair closed the hearing.

**MOTION:** Steinman moved and Heier seconded approval of the issuance of Industrial Development Revenue Bonds, Series 1999 (Goodwill Industries Serving Southeast Nebraska, Inc. Project). On call Hudkins, Steinman, Workman and Heier voted aye. Motion carried.

5) **OLD BUSINESS:**

A grant contract with Transfiguration, Inc. for funding, at rates as specified in the contract, in exchange for developmental disability services to Lancaster County residents, beginning July 1, 1998 to June 30, 1999. (1999186)

Diane Staab, Deputy County Attorney, stated concerns were expressed last week regarding liability and workers' compensation insurance. She said the County Attorney's office has reviewed the contract and would recommend that there should be added language in all grant contracts which would require the grantee to meet certain minimums regarding liability insurance.

4) **PUBLIC HEARINGS CONTINUED:**

Staab noted that the contract has been amended to include the provision and Transfiguration, Inc. has met the requirement and provided a certificate of insurance. She recommended that the Board approve the grant contract.

Kerry Eagan, Chief Administrative Officer, noted Transfiguration, Inc. doesn't own any vehicles, but they are required to carry hired and nonowned vehicle insurance. Eagan stated the grantee also needs to provide a certificate of insurance naming the County as an additional insured and recommended that the Board approve the grant contract pending receipt of a certificate of insurance naming the County as an additional insured.

**MOTION:** Steinman moved and Heier seconded approval of the grant contract pending the receipt of a certificate of insurance naming the County as an additional insured. On call Steinman, Workman, Hudkins and Heier voted aye. Motion carried.

6) **NEW BUSINESS:**

- A. A resolution authorizing the issuance of Industrial Development Revenue Bonds, Series 1999 (Goodwill Industries Serving Southeast Nebraska, Inc. Project), not to exceed \$550,000.

Action previously taken under Item 4B.

- B. Applications for Special Events Permits from the Lincoln Track Club to hold the State Farm Road Race on Saturday, March 27, 1999 beginning at 9 a.m. and to hold the Havelock Run on Saturday, May 15, 1999 beginning at 8 a.m. (19983014) (19983015) (1999197) (199961) (19983073) (19983071)

**MOTION:** Heier moved and Workman seconded approval. On call Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

- C. A programming agreement with the State of Nebraska, Department of Roads for a road project located one-half mile north of Waverly Road on North 14<sup>th</sup> Street, at an estimated cost to the County of \$101,480. (Project BR-3405(5)) (1999265)

**MOTION:** Steinman moved and Workman seconded approval. On call Heier, Workman, Steinman and Hudkins voted aye. Motion carried.

- D. An agreement with Lincoln Electric System for readjustment of its facility on North 1<sup>st</sup> Street between Fletcher Avenue and McKelvie Road, at an estimated cost to the County of \$71, 140. (1999270)

**MOTION:** Steinman moved and Heier seconded approval. On call Steinman, Hudkins, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- E. A disbursement of \$13,233.83 to Cline, Williams, Wright, Johnson and Oldfather for bond counsel relative to the 1998 Lancaster Manor Refund Bonds. (1999239)

**MOTION:** Steinman moved and Heier seconded approval.

Hudkins explained when the bonds regarding the Lancaster Manor Project were refinanced a bond opinion was prepared by Cline, Williams, Wright, Johnson and Oldfather law firm who acted as bond counsel. He stated even though there is a cost for preparation of the bond documents, there is a savings for the taxpayer because the new bonds are at a reduced rate.

Kerry Eagan, Chief Administrative Officer, noted the fees are paid from the proceeds of the bond, not property tax dollars.

**ROLL CALL:** Workman, Hudkins, Steinman and Heier voted aye. Motion carried.

- F. A resolution adopting benefits for County Elected Officials. (1999271)

**MOTION:** Steinman moved and Workman seconded approval of Resolution 99-271. On call Hudkins, Workman, Heier and Steinman voted aye. Motion carried.

- G. A resolution adopting benefits for County employees in the Unclassified service. (1999274)

Diane Staab, Deputy County Attorney, distributed proposed changes regarding the language on page three of the resolution (Exhibit A). She explained the new language pertains to a payout of sick leave upon retirement or after ten years of service.

Terry Wagner, Sheriff, requested that Items 6G and 6J be deferred for two weeks for further review.

John Cripe, Compensation Manager, appeared and indicated research had been conducted with regards to existing employees and their status in relation to their current benefits. He stated their sick leave, at the maximum, is an issue because the remainder of the County is 1,872 maximum hours.

Steinman inquired about notification procedures.

Cripe stated he sent a memo in December and then met with the Board in January to resolve the remaining two issues of vacation accrual and the cap on sick leave accrual. He stated it was his understanding that after the meeting the resolution was to be drafted.

Cripe further stated that the Board had directed him to formulate a memo in December regarding how individuals would be affected. He indicated that he outlined not only the captains, but also the sergeants of the Sheriff's Department in the event that they were promoted.

6) **NEW BUSINESS CONTINUED:**

In response to a question asked by Steinman, Cripe stated he sent the memo to the Board because they instructed him to draft it.

Hudkins stated when departments are affected, those elected officials should have notification when they have employees who are affected by the change(s).

Board consensus to schedule the item(s) for the staff meeting to be held on Thursday, February 25th.

Cripe stated he would check with Ron Todd, Personnel Director, regarding his availability to attend the staff meeting in his absence.

**MOTION:** Workman moved and Heier seconded to schedule New Business Items 6G and 6J for the staff meeting to be held on Thursday, February 25, 1999 at 9:30 a.m. and to reschedule the two items for the regular Board of Commissioners meeting to be held on Tuesday, March 2, 1999. On call Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

- H. Institution of eminent domain proceedings relating to real property owned by Dean C and Dorothy I Schied; Project C55-F-404(1) Tract Number 16. (1999275)

**MOTION:** Steinman moved and Heier seconded approval of Resolution 99-275.

Don Thomas, County Engineer, stated the proceedings were regarding a dispute over land values.

**ROLL CALL:** Hudkins, Steinman, Heier and Workman voted aye. Motion carried.

- I. Authorization of the installation of the following traffic signs in Lancaster County: (1999276)
  - \* A recreational guide sign for Pioneers Park on South Coddington Avenue north of the intersection with West Van Dorn Street for southbound traffic
  - \* A recreational guide sign for Pioneers Park on West Van Dorn Street east of Coddington Avenue for westbound traffic

**MOTION:** Steinman moved and Workman seconded approval of Resolution 99-276. On call Hudkins, Heier, Workman, Steinman voted aye. Motion carried.

- J. A resolution amending the salaries of Deputy Sheriff Captains to include payment of longevity pay for the 1998-1999 pay year. (1999273)

This item was delayed two weeks to Tuesday, March 2, 1999.

5) **NEW BUSINESS CONTINUED:**

- K. Recommendation from the Purchasing Agent and Corrections to award a bid off of a State contract to Lincoln Dodge, in the amount of \$20,602.60, for a Dodge van. (1999266)

**MOTION:** Heier moved and Steinman seconded approval. On call Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

- L. Recommendation from the Purchasing Agent and Lancaster Manor to award a bid for concrete sidewalk, courtyard and curb removal and replacement to Adams Concrete Construction, in the amount of \$28,937.93. (1999267)

**MOTION:** Steinman moved and Heier seconded approval. On call Workman, Hudkins Steinman and Heier voted aye. Motion carried.

- M. Recommendation from the Purchasing Agent and Noxious Weed Control Authority to award bids to the following for weed control services, at rates as specified on the bid tabulation sheet: (1999269)

“All Care” Grounds Management  
B & B Mowing & Spraying  
Best Kept Lawn Care  
Eden Lawn Care & Tree Service  
Rafos Lawn & Landscape  
Rembolt Development, LTD  
Tru-Green-ChemLawn

**MOTION:** Steinman moved and Workman seconded approval. On call Hudkins, Steinman, Workman and Heier voted aye. Motion carried.

- N. A political subdivision tort claim filed against the Corrections Department by Scott L Krogh for lost property, in the approximate amount of \$200 to \$250. (1999272)

**MOTION:** Steinman moved and Heier seconded to accept the Director’s recommendation and deny the claim filed by Scott L Krogh. On call Steinman, Workman, Hudkins and Heier voted aye. Motion carried.

- 6) **CONSENT ITEMS:** These are items of business before the Lancaster County Board of Commissioners which have been previously supplied to each Commissioner in writing, which are relatively routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:
- A. Setting of the following public hearings for Tuesday, March 2, 1999 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building:
    - \* County Special Permit 162, Meadow View Community Unit Plan, and Preliminary Plat 98025, Meadow View, requested by Lyle Loth of ESP on behalf of Hub Hall Real Estate, consisting of 61 residential acreage lots and three outlots, on property located at the southeast corner of Southwest 84<sup>th</sup> and West Van Dorn Streets in Lancaster County, Nebraska. (1999247) (1999248)
  - B. A maintenance agreement between Microfilm Imaging Systems and Records and Information Management for a Panasonic records scanner, in the amount of \$500, beginning February 1, 1999 and ending January 31, 2000. (1999268)
  - C. An amended agreement with Layman & Associates for professional appraisal services at \$500 for Phase I of the project and \$2,500 for Phase II of the project. (1999277)
  - D. Contracts relating to road improvements between the County Engineer and Leavitt Brothers Partnership on Fletcher Avenue near North 98<sup>th</sup> Street, in the total amount of \$18,054.63. (1999257-1999264)

**MOTION:** Steinman moved and Heier seconded approval of the Consent Items. On call Heier, Workman, Hudkins, Steinman voted aye. Motion carried.

7) **ADJOURNMENT:**

**MOTION:** Steinman moved and Heier seconded adjournment. On call Steinman, Hudkins, Heier and Workman voted aye. Motion carried.

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Bruce Medcalf  
County Clerk